

COUNCIL COMING ATTRACTIONS



Week of March 28, 2022

Proclamations Recognizing Ramadan 2022 by Council President Albornoz and County Executive Elrich; Recognizing Food Security Appreciation Week by Councilmember Jawando

Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed

at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed

at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

Week of March 28, 2022

The Council will meet on **Tuesday, March 29 at 9 a.m.** The meeting will begin with two proclamations. The first, presented by Council President Albornoz and County Executive Elrich, will recognize Ramadan 2022. The second, presented by Councilmember Jawando, will recognize Food Security Appreciation Week.

More detail on each agenda item is provided below.

Legislative Session

[Expedited Bill 49-21, Police - Police Accountability Board - Administrative Charging Committee – Established](#)

Vote expected: The Council is expected to vote on Expedited Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established, which would establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the County. The goal of the bill is to help improve police accountability.

The Public Safety (PS) Committee held three meetings to review and amend the bill. The proposed amendments would increase the PAB membership to nine voting members with at least one member residing in a municipality covered by the PAB and permit the Executive to appoint one or more non-voting members, clarify that all complaints from the public must be investigated and reported to the ACC, require funding for training of PAB and ACC members from the police and outside organizations and authorize the Council to remove a member for failure to complete required training.

The Council approved each of these PS Committee amendments at its first meeting to review Expedited Bill 49-21. In addition, the Council removed reference to a violation of law, as one of the reasons for removal of a member. The Council also approved an amendment that replaces general language indicating that professional experience is required, with more detailed language requiring that the individual be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report and practice procedural fairness.

In addition, the Council approved two additional amendments. The first removes the prohibition on compensation for PAB members to permit the Council to provide for compensation in the budget. The second, adds a requirement for full-time dedicated staff for both the PAB and the ACC and require the County Attorney to retain special legal counsel to provide legal support for both the PAB and the ACC.

The Maryland General Assembly enacted a series of laws establishing uniform standards for police department operations throughout the state. One of these laws, House Bill (HB) 670,

created a new uniform procedure for police accountability and discipline. This new law requires the governing body of each county to establish a PAB and an ACC to handle complaints of police misconduct from residents. HB 670 also gives the County PAB and the County ACC jurisdiction over police misconduct complaints against municipal police departments located in the County. The lead sponsor of Bill 49-21 is the Council President, at the request of the County Executive.

Economic Development Strategic Plan

Review: The Council will review a resolution to adopt the County's Draft Economic Development Plan. The Planning, Housing and Economic Development (PHED) Committee recommended several revisions to the plan. On Feb. 10, 2022, the PHED Committee received a [briefing on the approach and process](#) needed to complete the plan from members of the Montgomery County Economic Development Corporation (MCEDC). On March 14, the PHED Committee discussed [updates provided by MCEDC](#) at the request of the Committee.

The PHED Committee recommendations include adding more background information to the strengths, weaknesses, opportunities and threats section; providing summaries from relevant background reports for each strategic priority; amending the recommendation related to the expansion of the American Legion Bridge; providing additional context to the plan's metrics; and including additional metrics that are relevant to the goals and recommendations of the plan.

Council Bill 10-21, which was led by Councilmember Friedson and cosponsored by Councilmembers Riemer, Navarro and Katz and Council President Albornoz, was enacted in May 2021. The law shifted the responsibility for drafting the County's Economic Development Strategic Plan from the County Executive to MCEDC. Section 15A-4A of the County Code details the requirements and procedure for the Economic Development Strategic Plan. The Council must review and adopt the plan by April 15, 2022.

Executive Regulation 18-21, Water Quality Protection Charge, Definition of Treatment

Vote expected: The Council is expected to vote on Executive Regulation 18-21 – Water Quality Protection Charge, Definition of Treatment, which clarifies the terms “treatment” and “treat,” as they are currently utilized by the Department of Environmental Protection (DEP) in determining the eligibility of properties for Water Quality Protection Charge credits.

A Water Quality Protection Charge credit process was established in 2013 with Bill 34-12. Credits are available for properties which contain a stormwater management system maintained exclusively by the property owner. If environmental site design (ESD) methods are used to the maximum extent practicable, then the maximum credit is 80 percent of the charge. Otherwise, properties can get credits of up to 60 percent of their Water Quality Protection Charge for stormwater treated on-site.

A property which does not have a stormwater management system is also eligible for credits, if that property drains to a stormwater management system on another property under the same ownership. Non-residential and multi-family properties with stormwater management systems

which treat stormwater from other properties are eligible to receive a credit of up to 100 percent of their Water Quality Protection Charge.

The T&E Committee met on Feb. 18 and recommends approval of Regulation 18-21.

Consent Calendar Highlights

[Special Appropriation to the FY22 Operating Budget, Montgomery County Government, Department of Health and Human Services, Ending the Human Immunodeficiency Virus \(HIV\) Epidemic Grant, \\$1,172,584](#)

Introduction: The Council will introduce a more than \$1.17 million special appropriation for the Ending the HIV Epidemic Grant. This Federal grant supports health equity community events and provides funds for awareness campaigns to expand testing and treatment access for those at risk and living with HIV. The grant will also support a satellite clinic in Germantown to improve access to prevention and care services for Upcounty residents.

The lead sponsor is the Council President, at the request of the County Executive. A public hearing is scheduled for April 19.

[Supplemental Appropriation to the County Government's FY22 Operating Budget, Montgomery County Fire and Rescue Service \(MCFRS\) - \\$13,900,000 for General Personnel and Operating Costs](#)

Vote expected: The Council will vote on a \$13.9 million supplemental appropriation to the FY22 Operating Budget for MCFRS. This appropriation is needed to support general personnel and operating expenditures through the end of the year, as actual expenditures are expected to exceed the budget.

Personnel costs are projected to exceed the appropriation due to actual overtime costs being greater than budgeted. Operating expenses are projected to exceed the appropriation mainly due to vehicle maintenance and repair, snow removal, facilities maintenance, wireless communications and insurance.

The lead sponsor is the Council President, at the request of the County Executive.

Recess

Virtual Lunch Meeting - Montgomery County Retired Employees Association (MCREA)

This meeting will be streamed on the Council's Facebook and YouTube pages.

Public Hearing

Unless otherwise indicated, the Council will hold public hearings beginning at 1:30 p.m. Residents will continue to have the opportunity to testify remotely for public hearings or provide in-person testimony at the Council Office Building in Rockville for many public hearings.

[Special Appropriation to the Fiscal Year 2022 Operating Budget; Montgomery County Government; Department of Health and Human Services; Pediatric Mobile Medical Vehicle; \\$450,000 and Amendment to Fiscal Year 2022 Operating Budget Resolution 19- 872, Section G, Fiscal Year 2022 Designation of Entities for non-Competitive Contract Award Status: Casa Ruben, Inc.](#)

Public hearing: The Council will hold a public hearing on a \$450,000 special appropriation to the FY22 Operating Budget and an amendment to FY22 Operating Budget, which would fund a mobile medical clinic through the creation of a public-private partnership between Casa Ruben, Inc., the Robert I. Schattner Foundation and Montgomery County. The lead sponsors are Council President Albornoz and Councilmember Friedson. Councilmembers Katz and Navarro are cosponsors.

The mobile medical clinic would connect uninsured, under-insured and under-resourced children and youth to healthcare and increase the number of children and youth who receive vaccinations needed for overall health and to enroll in school. The County will fund the purchase of the mobile medical clinic and the Schattner Foundation will provide matching funds of up to \$450,000 directly to Casa Ruben, Inc. for staffing and operating expenses. Casa Ruben, Inc. and the Department of Health and Human Services would collaborate on connecting children and families to health care.

The County has invested in efforts to address health disparities, eliminate barriers to healthcare access and reach residents in their communities in innovative ways. Mobile medical care has been shown to be a cost-effective way to reach underserved and disenfranchised communities that do not have access to mainstream healthcare.

The Health and Human Services Committee is scheduled to review this funding on March 31.

FY23-28 Capital Improvements Program

[Storm Drains Recommended FY23-28 CIP](#)

Review: The Council will review the Recommended FY23-28 CIP for storm drains. Department of Transportation (DOT) Division of Transportation Engineering manages the County storm drains program.

The recommended FY23-28 CIP for storm drains is \$33.9 million for four projects during the next six years. This amount is an increase of \$13.6 million or 66.2 percent from the approved FY21-26 CIP.

Properly functioning storm drains remove excess water from the roads, ensuring safer road conditions while also protecting roads from water damage. When properly functioning, storm drains also protect adjacent properties from water runoff damage. Work is identified through requests for assistance that come from property owners as well as from government agencies.

Stormwater Management Recommended FY23-28 CIP

Review: The Council will review the Recommended FY23-28 CIP for stormwater management. The Department of Environmental Protection (DEP) plans and implements the stormwater management CIP; however, stormwater management is a shared responsibility among several County departments and agencies.

The recommended FY23-28 CIP for stormwater management is more than \$118 million during the next six years, which is an increase of \$5.2 million or 4.6 percent from the FY21-26 CIP. DEP works with the DOT to address storm drain outfall repair issues and works with WSSC Water when infrastructure work is needed. The Department of Permitting Services (DPS) reviews, approves, inspects and enforces requirements for construction of privately-owned stormwater management facilities.

In addition, DEP inspects and provides structural maintenance for most Montgomery County Public Schools (MCPS) and County facilities on Maryland-National Capital Park and Planning Commission (M-NCPPC) land. M-NCPPC, in coordination with DEP, performs stream restoration work utilizing Water Quality Protection funding on park land which is credited under the County's MS-4 permit.

Recycling and Resource Management Recommended FY23-28 CIP

Review: The Council will review the recommended FY23-28 CIP for Recycling and Resource Management (RRM). The recommended FY23-28 CIP for RRM is \$49.5 million during the next six years for three projects, which is a decrease of \$35.8 million or 41.9 percent from the Amended FY21-26 CIP. The three ongoing projects funded by the CIP include a full upgrade of the existing recycling center complex, the planning and construction of a toupee cap at the closed Gude Landfill and the design and construction of new transfer station fire detection and suppression system.

Agricultural Land Preservation Easement Project Recommended FY23-28 CIP

Review: The Council will review the recommended FY23-28 CIP for the Agricultural Land Preservation Easement project, which provides funds for the purchase of agricultural and conservation easements under County Agricultural Land Preservation legislation. The purchasing of easements restricts certain uses on a property to ensure that it is preserved for agricultural and rural uses for future generations.

The recommended FY23-28 CIP is slightly more than \$3.2 million for the project during the next six years, which is a decrease of \$92,000 or 2.8 percent from the approved FY21-26 CIP. The decrease is due to changes in personnel costs.

Recommended FY23-28 Capital Improvements Program (CIP) for General Government – Economic Development Projects

Review: The Council will review the recommended FY23-28 CIP for economic development projects. The recommended CIP includes \$39.6 million in funding for the White Oak Science Gateway Redevelopment project.

The differences between the FY21-26 Amended CIP and the Recommended FY23-28 CIP include five projects for close out. These projects include the Germantown Life Sciences Park, the Long Branch Town Center redevelopment, the Marriott International headquarters and hotel project, the Wheaton Redevelopment Program and the White Flint Redevelopment Program. In addition, \$40 million in road construction expenditures will be shifted to the White Oak Science Gateway Project to align with updated expectations in the FY23-28 CIP.

General Government - County Offices and other Improvements

Review: The GO Committee will review the recommended FY23-28 CIP for General Government related to County offices and other improvements, including only projects administered by the Department of General Services (DGS). The recommended FY23-28 CIP is a total of \$180.3 million during the six-year period, which is approximately \$32 million less than the Amended FY21-26 CIP total of \$212.4 million.

The cost decrease is due to several fully funded projects completed prior to FY23, including the Rockville Core and Grey Courthouse renovations. In addition, Council Office Building renovations are expected to be complete in FY23-28.

Those expected to attend and provide information include David Dise, director, DGS; Greg Ossont, deputy director, DGS; Mary Beck, capital budget manager, Office of Management and Budget (OMB); Anita Aryeetey, lead fiscal and policy analyst, OMB.

Monday, March 28

The Planning, Housing and Economic Development (PHED) Committee will meet on **Monday, March 28 at 9:30 a.m.** to discuss an amendment to the Master Plan for Historic Preservation for the Potomac Overlook Historic District and the Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan.

The members of the PHED Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

The Transportation and Environment (T&E) Committee will meet at **1:30 p.m.** to discuss Bill 3-22, Legislative Branch – Climate Assessments – Required and Bill 16-21, Environmental Sustainability - Building Energy Use Benchmarking and Performance Standards - Amendments. The members of the T&E Committee include Chair Tom Hucker, Council Vice President Evan Glass and Councilmember Hans Riemer.

More detail on each agenda item is provided below.

Potomac Overlook - Amendment to the Plan for Historic Preservation

Review: The PHED Committee will review the Planning Board Draft Amendment to the Master Plan for Historic Preservation for the Potomac Overlook Historic District, which includes an area with 19 houses located approximately two-and-a-half miles to the southwest of downtown Bethesda and overlooking the Potomac River.

On June 9, 2021, the Historic Preservation Commission (HPC) recommended that the Planning Board list the subject properties in the Locational Atlas and Index of Historic Sites and requested that the Council approve an amendment to the Master Plan for Historic Preservation to designate Potomac Overlook as a Master Plan Historic District.

Silver Spring Downtown and Adjacent Communities Plan

Review: The PHED Committee will continue to review the Planning Board Draft of the [Silver Spring Downtown and Adjacent Communities Plan](#). The plan makes recommendations within the Silver Spring Downtown and Adjacent Communities Plan area for land use and zoning, housing, economic development, urban design, transportation, parks and public spaces, environmental resiliency, community facilities and historic resources.

At the previous [meeting held on March 7](#), the Committee discussed the introduction to the plan, the eight districts that make up the plan area and recommendations on housing. At this meeting, the PHED Committee will discuss recommendations for parks, trails and public spaces, as well as transportation and school infrastructure. In addition, the Committee will discuss the Executive's Fiscal Impact Statement. The Committee's next meeting is scheduled for April 1, to discuss recommendations for land use and zoning, economic growth and urban design.

Bill 3-22, Legislative Branch - Climate Assessments - Required

Review: The T&E Committee will review Bill 3-22, Legislative Branch – Climate Assessments – Required, which would require the director of the Office of Legislative Oversight (OLO) to prepare a climate assessment for each bill, zoning text amendment, master plan and master plan amendment pending before the Council. The purpose of Bill 3-22 is to facilitate the County's climate goals. The lead sponsors are Councilmember Hucker and Council President Albornoz. All other Councilmembers are cosponsors.

Each climate assessment would consist of the potential positive or negative effects, if any, of the bill, zoning text amendment, master plan or master plan amendment upon climate change, including greenhouse gas emissions, sequestration and carbon drawdown. In addition, the assessment would provide a quantitative or qualitative evaluations of the identified effects on community resilience and make recommendations regarding amendments or other measures to mitigate any negative climate impacts.

Bill 16-21, Environmental Sustainability – Building Energy Performance Standards

Review: The T&E Committee will hold its fourth meeting to review Bill 16-21, Environmental Sustainability - Building Energy Use Benchmarking and Performance Standards – Amendments, which would modify the County’s current environmental benchmarking law to include additional County-owned, commercial and multifamily buildings to meet the long-term energy performance standards. Previously, the T&E Committee met to review Bill 16-21 on [October 28](#) and [December 9, 2021](#) and [March 14, 2022](#). An additional meeting is scheduled for March 24.

The legislation would create a 15-voting member Building Performance Improvement Board that will advise the Department of Environmental Protection on the implementation of building energy performance standards and establish a Building Performance Improvement Plan (BPIP) process for properties that cannot reasonably meet performance standards. The bill also requires reports to the Executive and Council on building energy performance for covered buildings.

Thursday, March 28

The Health and Human Services (HHS) Committee will meet on **Thursday, March 31 at 1:30 p.m.** to discuss a \$450,000 special appropriation to fund a mobile medical clinic through the creation of a public-private partnership between Casa Ruben, Inc., the Robert I. Schattner Foundation and Montgomery County.

The members of the HHS Committee include Chair and Council President Gabe Alborno, Council Vice President Evan Glass (Lead for Homelessness & Vulnerable Communities) and Councilmember Craig Rice.

More detail on the agenda item is provided below.

Special Appropriation to the FY22 Operating Budget, DHHS - Pediatric Mobile Medical Vehicle; \$450,000; and Amendment to FY22 Operating Budget Resolution 19-872, Section G, Fiscal Year 2022 Designation of Entities for Non-Competitive Contract Award Status: Casa Ruben, Inc

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vaccinations needed for overall health and to enroll in school. The County will fund the purchase of the mobile medical clinic and the Schattner Foundation will provide matching funds of up to \$450,000 directly to Casa Ruben, Inc. for staffing and operating expenses. Casa Ruben, Inc. and the Department of Health and Human Services would collaborate on connecting children and families to health care.

The County has invested in efforts to address health disparities, eliminate barriers to healthcare access and reach residents in their communities in innovative ways. Mobile medical care has been shown to be a cost-effective way to reach underserved and disenfranchised communities that do not have access to mainstream healthcare.

Friday, April 1

The Planning, Housing and Economic Development (PHED) Committee will meet on **Friday, April 1 at 9:30 a.m.** to review the Silver Spring Downtown and Adjacent Communities Plan. The members of the PHED Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

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